



*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
URISINAN I MAQA LAHI  
AGANA, GUAM 96910 U.S.A.

**RECEIVED**  
OFFICE OF THE SPEAKER  
DATE: 1/7/93  
TIME: 11:22  
RECD BY: [Signature]

JAN 06 1993

MEMO TO  
LEGISLATIVE SECRETARY

*[Handwritten signature]*

The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 713, which has been designated as Public Law  
No. 21-143.

Sincerely yours,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

**211029**

Attachment



Commonwealth Now!

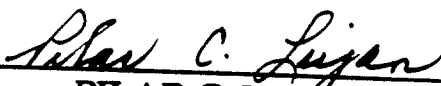
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION TO THE GOVERNOR OF PASSAGE OF AN ACT

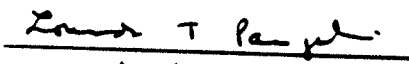
This is to certify that Substitute Bill No. 713 (LS), "AN ACT TO REZONE LOT NUMBER 223-6NEW-1, MUNICIPALITIES OF ASAN AND PITI FROM AGRICULTURAL ("A") TO ONE-FAMILY DWELLING ZONE ("R-1"), INSOFAR AS THE LOT IS NOT NOW PRESENTLY ZONED FOR MULTIPLE DWELLINGS ("R-2"); TO REZONE LOT NO. 5206, BARRIGADA OWNED BY VICENTE M. CAMACHO, JOHN M. CAMACHO, ANNIE C. CRUZ, RAYMOND M. CAMACHO AND JOSEPH M. CAMACHO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"); TO NAME THE PRIVATE ROAD CONNECTED TO EAST GINAHIT STREET IN THE MUNICIPALITY OF UMATAAC TO "MANUEL AND INES FINOÑA ROAD"; AND TO APPROPRIATE FORTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS (\$47,524) TO COMPENSATE SYLVIA GUZMAN FOR SERVICE TO THE GOVERNMENT OF GUAM BETWEEN SEPTEMBER, 1983 AND SEPTEMBER, 1988," returned to the Legislature without the approval of the Governor, was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 29th day of December, 1992, agree to pass said bill notwithstanding the objection of the Governor by a vote of two-thirds or more of all the members thereof, to wit: by a vote of fourteen (14) members.

  
JOE T. SAN AGUSTIN  
Speaker

Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 3<sup>rd</sup> day of January, 1993,  
at 10:41 o'clock A.M.

  
Assistant Staff Officer  
Governor's Office

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 713 (LS)

As amended and substituted by the  
Committee on Housing, Community  
Development, Federal and Foreign  
Affairs and as further substituted on  
the floor

Introduced by:

C. T. C. Gutierrez  
H. D. Dierking  
J. P. Aguon

---

E. P. Arriola  
M. Z. Bordallo  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
J. T. San Agustin  
F. R. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
M. D. A. Manibusan  
M. J. Reidy  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REZONE LOT NUMBER 223-6NEW-1,  
MUNICIPALITIES OF ASAN AND PITI FROM  
AGRICULTURAL ("A") TO ONE-FAMILY DWELLING  
ZONE ("R-1"), INsofar AS THE LOT IS NOT NOW  
PRESENTLY ZONED FOR MULTIPLE DWELLINGS  
("R-2"); TO REZONE LOT NO. 5206, BARRIGADA  
OWNED BY VICENTE M. CAMACHO, JOHN M.  
CAMACHO, ANNIE C. CRUZ, RAYMOND M.

CAMACHO AND JOSEPH M. CAMACHO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"); TO NAME THE PRIVATE ROAD CONNECTED TO EAST GINAHIT STREET IN THE MUNICIPALITY OF UMATAC TO "MANUEL AND INES FINOÑA ROAD"; AND TO APPROPRIATE FORTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS (\$47,524) TO COMPENSATE SYLVIA GUZMAN FOR SERVICE TO THE GOVERNMENT OF GUAM BETWEEN SEPTEMBER, 1983 AND SEPTEMBER, 1988.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2           **Section 1. (a) Statement of legislative findings.** The Legislature finds  
3 that there is a tremendous shortage of affordable housing units on Guam and  
4 that such shortage has contributed to the ever-rising land and housing costs  
5 on Guam, making it very difficult for families to find suitable and affordable  
6 housing.

7           **(b) Rezoning of Asan/Piti lot.** Lot No. 223-6NEW-1, Municipalities of  
8 Asan and Piti, containing an area of approximately 99,999.9 square meters,  
9 and owned by Tropical Amusement, Inc., is hereby rezoned to the extent that  
10 it is not already zoned "R-2" Multi-family Residential by previous legislation,  
11 from Agricultural ("A") to Single Family Residential ("R-1").

12           **Section 2. Rezoning of Lot No. 5206.** Lot No. 5206, located within the  
13 Municipality of Barrigada, containing an area of 201,316 square feet or 18,703  
14 square meters, owned by Vicente M. Camacho, John M. Camacho, Annie C.  
15 Cruz, Raymond M. Camacho and Joseph M. Camacho, is hereby rezoned  
16 from Agricultural ("A") to Light Industrial ("M-1").

17           **Section 3. Naming road.** The private road connected to East Ginahit  
18 Street in the Municipality of Umatac is hereby named the "Manuel and Ines  
19 Finoña Road". The Department of Land Management shall include this road

1 within the street map for the Municipality of Umatac.

2       **Section 4. (a) Legislative findings.** The Legislature finds that Sylvia  
3 Guzman, retiree and former Acting Training and Development  
4 Administrator, Department of Administration, was undercompensated  
5 during the period September 1, 1983 to September 22, 1988. She had been  
6 performing the duties of the position of Training and Development  
7 Administrator since the Training and Development functions were separated  
8 from the Division of Personnel Management in September, 1983.

9       From September 22, 1988 until January 22, 1989, Ms. Guzman was  
10 compensated for being Acting Training and Development Administrator after  
11 that position was formally created, a total of 240 days, pursuant to §4117,  
12 Title 4, Guam Code Annotated.

13       Pursuant to the prohibition on retroactive pay raises contained in  
14 §6218.1, Title 4, Guam Code Annotated, the Civil Service Commission cannot  
15 compensate Ms. Guzman for the services that she actually performed for the  
16 government of Guam from September, 1983 to September, 1988 without  
17 authorization of the Legislature.

18       **(b) Appropriation for back pay.** Forty-Seven Thousand Five Hundred  
19 Twenty-Four Dollars (\$47,524) are hereby appropriated from the General  
20 Fund to the Department of Administration to compensate Ms. Sylvia  
21 Guzman for her service to the government between September, 1983 and  
22 September, 1988 when she functioned as the government's Training and  
23 Development Administrator. Acceptance of the retroactive pay by Sylvia  
24 Guzman, as appropriated by this Legislature, will be deemed as a final  
25 settlement of her claim.

*Overridden*

**TWENTY-FIRST GUAM LEGISLATURE**  
**1992 (SECOND) Regular Session**

Date: 12/29/92

*Vetoed*  
Bill No. 713

**VOTING SHEET**

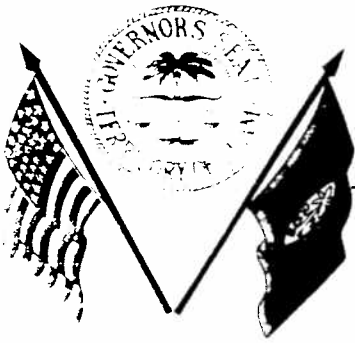
Resolution No. \_\_\_\_\_

Question: To override Governor's Veto

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.			✓	
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.			✓	
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.		✓		

TOTAL

14    3    2    1



Territory of Guam  
Territorio de Guam

GOVERNOR  
SENATE  
HOUSE OF REPRESENTATIVES

RECEIVED OCT 05 1992

*U. Cepeda 9:00 AM*

5:15 p.m.  
October 2, 1992

*M. J. Kuehl  
Acting Leg.*

The Honorable Pilar C. Lujan  
Acting Speaker  
Twenty First Guam Legislature  
Agana, Guam 96910

MEMO TO  
LEGISLATIVE SECRETARY

Dear Madame Speaker:

Enclosed herewith is Substitute Bill No. 713 which I have vetoed in its entirety.

In Section 4 the Legislature addresses a personnel matter which has already been adjudicated before the Civil Service Commission. This former employee claims she is due compensation for her service in the position "Training and Development Administrator" for a period from September 1, 1983 through September 30, 1988.

The position of Training and Development Administrator did not exist during the period September, 1983 through September, 1988 in the official Civil Service Commission Classification List of Established Positions. As such, the conclusion that she is entitled to receive \$47,524 has no basis and is merely an arbitrary figure.

The former employee was selected as Training and Development Administrator on March 27, 1980. However, on July 1, 1980, her position was reclassified (with pay increase) to Assistant Personnel Services Administrator upon the merging of the Personnel Services Division and the Training and Development Division. Upon the creation of the Assistant Personnel Services Administrator position, the Training and Development Administrator position was abolished.

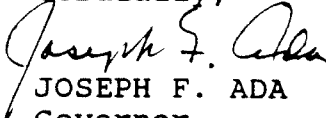
On June 9, 1988, the Civil Service Commission approved the creation of Training and Development Administrator position. On October 1, 1988, the former employee was detailed as Training and Development Administrator and continued to serve and be compensated in this capacity up until her retirement on May 19, 1989. In addressing this case, on August 10, 1989 the Commission recommended that legislative approval be requested on to fund the detail appointment from September 22, 1988 to September 30, 1988 or approximately 8 days. The Civil Service Commission report that discussed the employee's history during the disputed period, indicates that the employee received several pay increases from 1983 to 1988. There was no recommendation for additional compensation from September, 1983 to September, 1988.



Madame Speaker  
October 2, 1992  
Page Two

This case was adjudicated by the Civil Service Commission and the employee had the right to appeal the decision to the courts. The issue has been resolved. It is inappropriate to entertain claims that are nine years old and which have been adjudicated.

Resolution of employee claims against the government must be left to the Civil Service Commission and when appropriate, the courts.

Cordially,  
  
JOSEPH F. ADA  
Governor

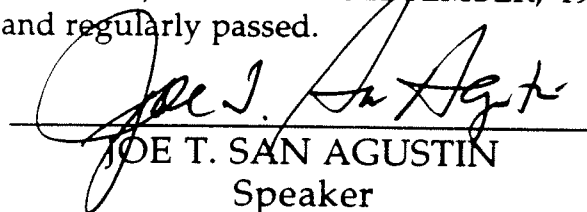
210964



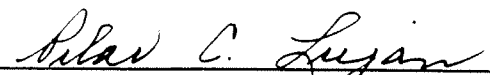
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

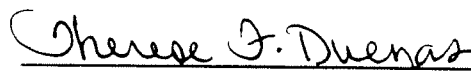
This is to certify that Substitute Bill No. 713 (LS), "AN ACT TO REZONE LOT NUMBER 223-6NEW-1, MUNICIPALITIES OF ASAN AND PITI FROM AGRICULTURAL ("A") TO ONE-FAMILY DWELLING ZONE ("R-1"), INSOFAR AS THE LOT IS NOT NOW PRESENTLY ZONED FOR MULTIPLE DWELLINGS ("R-2"); TO REZONE LOT NO. 5206, BARRIGADA OWNED BY VICENTE M. CAMACHO, JOHN M. CAMACHO, ANNIE C. CRUZ, RAYMOND M. CAMACHO AND JOSEPH M. CAMACHO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"); TO NAME THE PRIVATE ROAD CONNECTED TO EAST GINAHIT STREET IN THE MUNICIPALITY OF UMATAAC TO "MANUEL AND INES FINOÑA ROAD"; AND TO APPROPRIATE FORTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS (\$47,524) TO COMPENSATE SYLVIA GUZMAN FOR SERVICE TO THE GOVERNMENT OF GUAM BETWEEN SEPTEMBER, 1983 AND SEPTEMBER, 1988," was on the 18th day of September, 1992, duly and regularly passed.

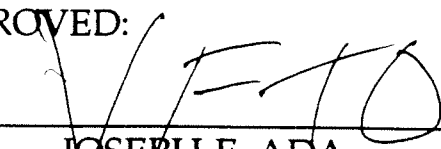
  
JOE T. SAN AGUSTIN  
Speaker

Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 21st day of September, 1992, at 4:52 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:  
  
JOSEPH F. ADA  
Governor of Guam

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 713 (LS)

As amended and substituted by the  
Committee on Housing, Community  
Development, Federal and Foreign  
Affairs and as further substituted on  
the floor

Introduced by:

C. T. C. Gutierrez  
H. D. Dierking  
J. P. Aguon

---

E. P. Arriola  
M. Z. Bordallo  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
J. T. San Agustin  
F. R. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
M. D. A. Manibusan  
M. J. Reidy  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REZONE LOT NUMBER 223-6NEW-1,  
MUNICIPALITIES OF ASAN AND PITI FROM  
AGRICULTURAL ("A") TO ONE-FAMILY DWELLING  
ZONE ("R-1"), INsofar AS THE LOT IS NOT NOW  
PRESENTLY ZONED FOR MULTIPLE DWELLINGS  
("R-2"); TO REZONE LOT NO. 5206, BARRIGADA  
OWNED BY VICENTE M. CAMACHO, JOHN M.  
CAMACHO, ANNIE C. CRUZ, RAYMOND M.

CAMACHO AND JOSEPH M. CAMACHO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"); TO NAME THE PRIVATE ROAD CONNECTED TO EAST GINAHIT STREET IN THE MUNICIPALITY OF UMATAAC TO "MANUEL AND INES FINOÑA ROAD"; AND TO APPROPRIATE FORTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS (\$47,524) TO COMPENSATE SYLVIA GUZMAN FOR SERVICE TO THE GOVERNMENT OF GUAM BETWEEN SEPTEMBER, 1983 AND SEPTEMBER, 1988.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2           **Section 1. (a) Statement of legislative findings.** The Legislature finds  
3 that there is a tremendous shortage of affordable housing units on Guam and  
4 that such shortage has contributed to the ever-rising land and housing costs  
5 on Guam, making it very difficult for families to find suitable and affordable  
6 housing.

7           **(b) Rezoning of Asan/Piti lot.** Lot No. 223-6NEW-1, Municipalities of  
8 Asan and Piti, containing an area of approximately 99,999.9 square meters,  
9 and owned by Tropical Amusement, Inc., is hereby rezoned to the extent that  
10 it is not already zoned "R-2" Multi-family Residential by previous legislation,  
11 from Agricultural ("A") to Single Family Residential ("R-1").

12           **Section 2. Rezoning of Lot No. 5206.** Lot No. 5206, located within the  
13 Municipality of Barrigada, containing an area of 201,316 square feet or 18,703  
14 square meters, owned by Vicente M. Camacho, John M. Camacho, Annie C.  
15 Cruz, Raymond M. Camacho and Joseph M. Camacho, is hereby rezoned  
16 from Agricultural ("A") to Light Industrial ("M-1").

17           **Section 3. Naming road.** The private road connected to East Ginahit  
18 Street in the Municipality of Umatac is hereby named the "Manuel and Ines  
19 Finoña Road". The Department of Land Management shall include this road

1 within the street map for the Municipality of Umatac.

2       **Section 4. (a) Legislative findings.** The Legislature finds that Sylvia  
3 Guzman, retiree and former Acting Training and Development  
4 Administrator, Department of Administration, was undercompensated  
5 during the period September 1, 1983 to September 22, 1988. She had been  
6 performing the duties of the position of Training and Development  
7 Administrator since the Training and Development functions were separated  
8 from the Division of Personnel Management in September, 1983.

9       From September 22, 1988 until January 22, 1989, Ms. Guzman was  
10 compensated for being Acting Training and Development Administrator after  
11 that position was formally created, a total of 240 days, pursuant to §4117,  
12 Title 4, Guam Code Annotated.

13       Pursuant to the prohibition on retroactive pay raises contained in  
14 §6218.1, Title 4, Guam Code Annotated, the Civil Service Commission cannot  
15 compensate Ms. Guzman for the services that she actually performed for the  
16 government of Guam from September, 1983 to September, 1988 without  
17 authorization of the Legislature.

18       **(b) Appropriation for back pay.** Forty-Seven Thousand Five Hundred  
19 Twenty-Four Dollars (\$47,524) are hereby appropriated from the General  
20 Fund to the Department of Administration to compensate Ms. Sylvia  
21 Guzman for her service to the government between September, 1983 and  
22 September, 1988 when she functioned as the government's Training and  
23 Development Administrator. Acceptance of the retroactive pay by Sylvia  
24 Guzman, as appropriated by this Legislature, will be deemed as a final  
25 settlement of her claim.



**COMMITTEE ON HOUSING,  
COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

September 16, 1992

The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agaña, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **BILL NO. 713, an act to rezone Lot No. 223-6New-1, Municipalities of Asan and Piti, from Agricultural (A) to Single Family Residential (R1)** has had the same under consideration and herewith reports out its recommendation **TO DO PASS, as amended and substituted by the Committee.** Votes of the Committee were as follows:

TO DO PASS	-9-
TO DO NOT PASS	-0-
ABSTAIN	-0-
NOT VOTING/OFF ISLAND	-1-

*Vetoed*

Sincerely yours,

F.R. Santos

**COMMITTEE ON HOUSING,  
COMMUNITY DEVELOPMENT,  
FEDERAL, AND FOREIGN AFFAIRS**

TWENTY FIRST GUAM LEGISLATURE

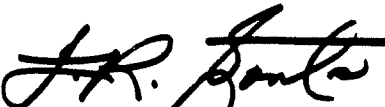
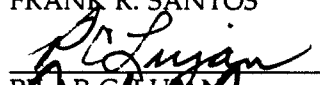

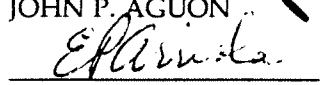

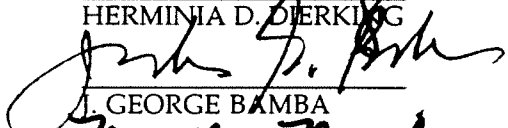
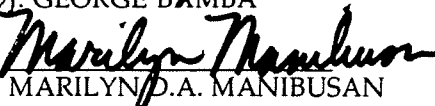
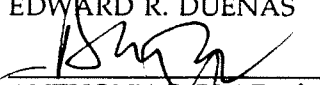

155 Hesler Street  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

**Voting Sheet**

**Bill No. 713 as amended and substituted by the Committee:  
An Act to Rezone Lot No. 223-6NEW-1, Muicipalities of Asan  
ad Piti from Agricultural (A) to Single Family Residential  
(R1).**

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	NOT VOTING/ OFF ISLAND
 FRANK R. SANTOS	✓	_____	_____	_____
 PILAR CLUPAN	✓	_____	_____	_____
 JOHN P. AGUON	✓	_____	_____	_____
 ELIZABETH P. ARRIOLA	✓	_____	_____	_____
 HERMINIA D. DIERKING	✓	_____	_____	_____
 GEORGE BAMBA	✓	_____	_____	_____
 MARILYN D.A. MANIBUSAN	✓ 9/18/92 <i>manibusan</i>	_____	_____	_____
EDWARD R. DUENAS	_____	_____	_____	_____
 ANTHONY C. BLAZ	✓	_____	_____	_____
 JOE T. SAN AGUSTIN	✓	_____	_____	_____

TWENTY FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 713

as amended and substituted by the  
Committee on Housing, Community Development,  
Federal and Foreign Affairs

Introduced by:

C.T.C. Gutierrez

AN ACT TO REZONE A PORTION OF LOT NO.  
223-6NEW-1, MUNICIPALITIES OF ASAN  
AND PITI, FROM AGRICULTURAL (A) TO  
SINGLE FAMILY RESIDENTIAL (R1).

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF  
2 GUAM:  
3

4 SECTION 1(a). Statement of Legislative Findings. The Legislature finds  
5 that there is a tremendous shortage of affordable housing units on Guam and that  
6 such shortage has contributed to the ever rising land and housing costs on Guam,  
7 making it very difficult for families to find suitable and affordable housing.

8 (b) Rezoning of Asan/Piti lot. That portion, of Lot No. 223-6NEW-1,  
9 situated in the Municipalities of Asan and Piti, said to contain an area of  
10 approximately 99,999.9 square meters, and owned by **Tropical Amusement, Inc.**,  
11 which were not rezoned to Multi-Family Dwellings (R2) by previous legislation, is  
12 hereby rezoned from Agricultural (A) to Single Family Residential (R1).

Introduced

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

JAN 08 '92

Bill No. 713 (CS)

Introduced by:

  
C.T.C. Gutierrez

**AN ACT TO REZONE LOT NUMBER 223-6NEW-1, MUNICIPALITIES OF ASAN AND PITI, AND LOT NO. A-6, MUNICIPALITY OF PITI, FROM AGRICULTURAL ("A") TO ONE-FAMILY DWELLING ZONE ("R-1").**

1 **BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **SECTION 1.(a).** Statement of Legislative Findings. The Legislature  
3 finds that there is a tremendous shortage of affordable housing units on  
4 Guam and that such shortage has contributed to the ever-rising land and  
5 housing costs on Guam making it very difficult for families to find  
6 suitable and affordable housing.

7 **SECTION 2.** Lot Number 223-6NEW-1, Municipalities of Asan  
8 and Piti, containing an area of approximately 99,999.9 square meters, is  
9 hereby rezoned from Agricultural ("A") to One-Family Dwelling Zone ("R-  
10 1").

11 **SECTION 3.** Lot No. A-6, Municipality of Piti, Containing an area  
12 of approximately 59,558 square meters, is hereby rezoned from  
13 Agricultural ("A") to One-Family Dwelling Zone ("R-1").



COMMITTEE ON HOUSING,  
COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS

TWENTY-FIRST GUAM LEGISLATURE

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

# COMMITTEE REPORT

on

## BILL NO. 713

as amended and substituted by the  
Committee on Housing, Community Development,  
Federal and Foreign Affairs

*An Act to Rezone Lot No. 223-6NEW-1,  
Municipalities of Asan and Piti, from  
Agricultural (A) to Single Family Residential  
(R1)*

Sept. 16, 1992

## COMMITTEE FINDINGS

- The Committee finds that the need for affordable housing units can be effectively addressed by assisting those individuals and developers interested in building single family housing units for the open market in areas that are relatively undeveloped at the present time.
- The Committee finds that the area in which the parcels of property to be rezoned in Bill 713 are situated has been residentialized with an existing single family residential subdivision and a multitude of other tract homes.
- The Committee agrees with the contention of the property owners that the land is not suitable for agricultural pursuits because of the surrounding land uses, i.e., residential, and because of the make up of the soil itself.
- The Committee finds that the rezoning of the parcels would not exempt the property owner from fulfilling the permitting regulations required by government agencies on the Development Review Committee. Likewise, the Guam Legislature aware of the growth of the area as a desirable residential community, appropriated in Public Law 20-192 and Public Law 21-20 funds for the design engineering and installation of sewer lines in the immediate vicinity. The necessary waste water and sewer infrastructure, as well as, the potable water capacity and electrical infrastructure will be available for use by the proposed plans for the property.

## COMMITTEE RECOMMENDATIONS

- The Committee recommends that Bill No. 713 be passed as substituted by the Committee.

## PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 713, an act to rezone certain parcels of property in the Municipalities of Asan and Piti, scheduled and conducted a public hearing at 9:00 a.m., on January 30, 1992, in the Guam Legislature's Public Hearing Room.

Committee members present were:

- Senator Francisco R. Santos, Chairman
- Senator Pilar C. Lujan, Vice Chair
- Senator Elizabeth P. Arriola
- Senator J. George Bamba
- Senator Anthony C. Blaz
- Senator Marilyn D.A. Manibusan

Appearing before the Committee to present testimony were:

- Mr. Frank L.G. Castro, Dir. of Land Management
- The Honorable Isabel Haggard  
Mayor of Piti

- Atty. Eduardo M. Calvo, representing owners of the property, Tropical Amusements, Inc.

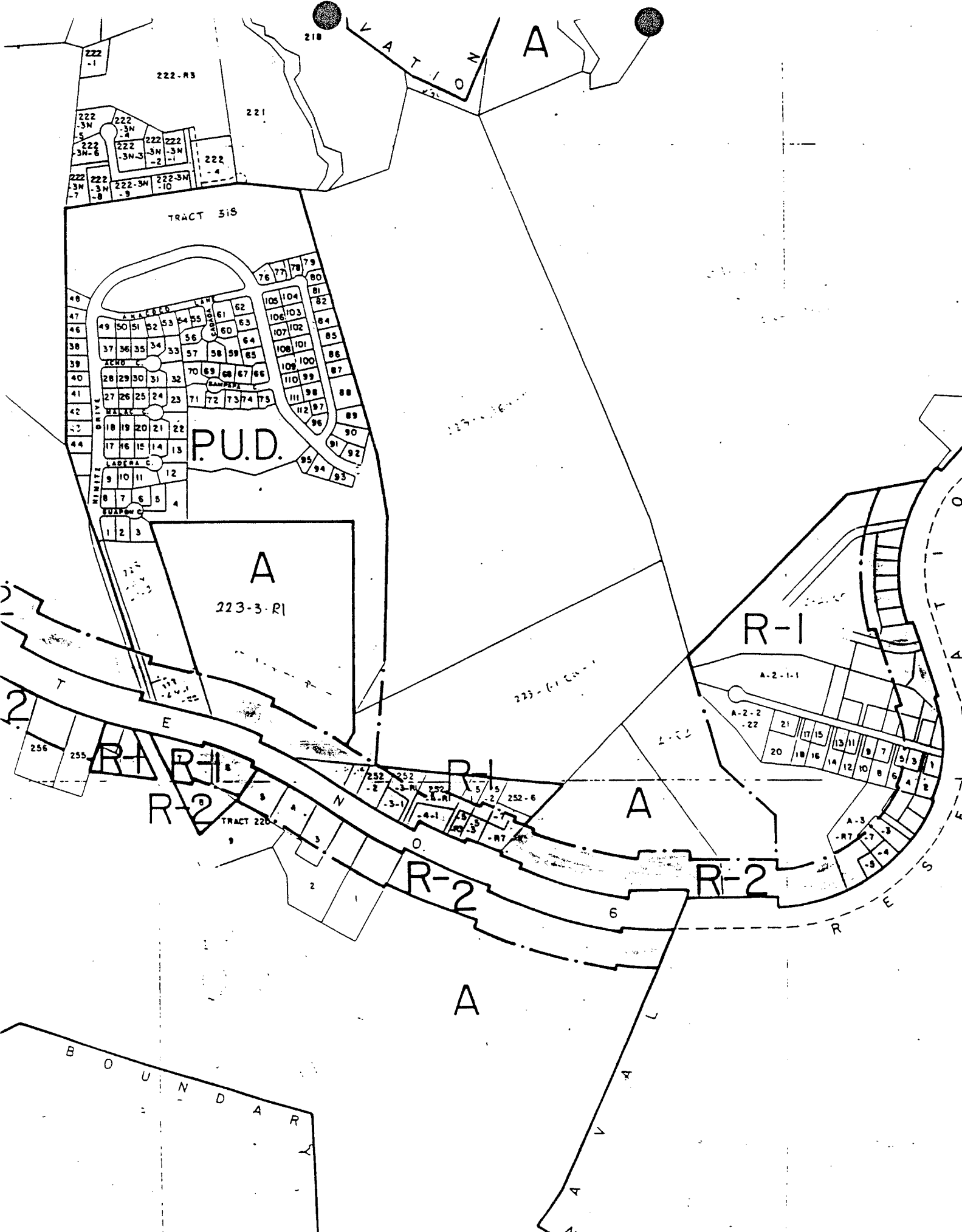
## SUMMARY OF TESTIMONY

Director of Land Management Frank L.G. Castro in oral testimony noted that the Department was not submitting written testimony on the measure as he would defer to the decision of the legislature on this matter. It should be noted that Mr. Castro, who is also the Executive Secretary of the Territorial Land Use Commission, has taken this position whenever he has testified on a rezoning measure. Likewise, Mr. Castro has noted that the work load being experienced at the TLUC makes it difficult for the Commission to act as expeditiously as desired by applicants on rezoning measures.

The Honorable Isabel Haggard, Mayor of Piti, testified in favor of the measure stating that the development of that parcel of property would bring other development, and more importantly, would bring an improvement in the utility infrastructure of the Piti and Asan areas. Mayor Haggard noted that the development will also assist in opening up the Nimitz Hill areas of Asan and Piti which would not otherwise be developable. Private land owners, because of the development, would be encouraged to improve or utilize their properties.

Attorney Eduardo M. Calvo, representing the owners, Tropical Amusement, Inc., a family corporation owned by Atty. Calvo and his brothers, noted that they were interested

in developing the areas for residential units which would be made available on the open market. He noted that the corporation projected ever increasing needs for housing units and any increase in military activity would further add to that. Attorney Calvo noted that because of its location the property on Nimitz Hill was highly desirable and the corporation does not foresee any problems with developing the land and housing subdivision to meet infrastructure and permitting requirements.



218

L A T I T U D E

A

222-R3

221

222  
-3N  
-5  
222  
-3N  
-6  
222  
-3N  
-7  
222  
-3N  
-8  
222  
-3N  
-9  
222  
-3N  
-10

TRACT 315

48  
47  
46  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256

P.U.D.

A

223-3-R1

R-1

A-2-1-1

A-2-2-22

21  
17  
15  
13  
11  
9  
7  
5  
3  
1  
20  
18  
16  
14  
12  
10  
8  
6  
4  
2

A-3-R7

R-1

R-2

TRACT 226

R-2

R-2

A

B O U N D A R Y

L A T I T U D E

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

**Introduced**

JAN 08 '92

Bill No. 713 (CS)

Introduced by:

  
C.T.C. Gutierrez

**AN ACT TO REZONE LOT NUMBER 223-6NEW-1,  
MUNICIPALITIES OF ASAN AND PITI, AND LOT NO.  
A-6, MUNICIPALITY OF PITI, FROM AGRICULTURAL  
("A") TO ONE-FAMILY DWELLING ZONE ("R-1").**

1 **BE ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **SECTION 1.(a).** Statement of Legislative Findings. The Legislature  
3 finds that there is a tremendous shortage of affordable housing units on  
4 Guam and that such shortage has contributed to the ever-rising land and  
5 housing costs on Guam making it very difficult for families to find  
6 suitable and affordable housing.

7 **SECTION 2.** Lot Number 223-6NEW-1, Municipalities of Asan  
8 and Piti, containing an area of approximately 99,999.9 square meters, is  
9 hereby rezoned from Agricultural ("A") to One-Family Dwelling Zone ("R-  
10 1").

11 **SECTION 3.** Lot No. A-6, Municipality of Piti, Containing an area  
12 of approximately 59,558 square meters, is hereby rezoned from  
13 Agricultural ("A") to One-Family Dwelling Zone ("R-1").



GOVERNMENT OF GUAM  
 AGANA, GUAM 96910  
 DEPARTMENT OF ADMINISTRATION  
 (DIPATTAMENTON ATMENESTRASION)  
 DIRECTOR'S OFFICE  
 (UFISINAN DIREKTOT)

POST OFFICE BOX 884 \* AGANA, GUAM 969610  
 TEL: (671) 475-1101/1136 \* FAX: (671) 477-6788

RECEIVED  
 OFFICE OF THE SPEAKER  
 DATE: 2/17/93  
 TIME: 2:55 PM  
 RECD BY: [Signature]

FEB 17 1993

Memorandum

To: Attorney General, Department of Law  
 From: Director, Department of Administration  
 Subject: Public Law 21-143, Section 4 (a) and (b)

REFERRED TO  
 LEGISLATIVE SECRETARY  
 [Signature]

This is to request your assistance in employing your office's legal expertise in challenging the provisions of P.L. 21-143, Section 4 (a) and (b).

Public Law 21-143, Section 4 (a) and (b) appropriates \$47,524 to compensate Ms. Sylvia Guzman for services claimed as Training and Development Administrator from September 1, 1983 through September 22, 1988. We question the legality of this act as it overturns the decision of the Civil Service Commission Board. Does the Legislature have the authority to overturn matters properly adjudicated by the Civil Service Commission Board?

If so, does it then serve as an administrative body to which appellants dissatisfied with the Commission's actions may further appeal their cases? Furthermore, what authority or legal basis does the Legislature have to assign an arbitrary pay differential to a position which did not exist and to retroactively compensate a former employee the claimed sum. We contend that this act violates existing provisions of personnel and compensation laws, more specifically 4 GCA Chapter 6, Compensation of Public Employees.

BACKGROUND:

Ms. Guzman was selected as Training and Development Administrator on March 27, 1980. However, on July 1, 1980, her position was reclassified to Assistant Personnel Services Administrator upon the merging of the Personnel Services Division and the Training and Development Division. Upon the creation of the Assistant Personnel Services Administrator position, the Training and Development Administrator position was abolished.





The Civil Service Commission has reviewed Ms. Guzman's employment situation on complaints she brought before the Commission on related matters. The Commission has dispensed of her case. In doing so, the Commission made no recommendations that Ms. Guzman be compensated for claimed services in a position which did not exist.

The position of Training and Development Administrator did not exist during the period September, 1983 through September, 1988 in the official Civil Service Commission Classification List of Established Positions. As such, the determination of the pay differential of \$47,524 claimed has no legal basis and is an arbitrary figure absent the existence of an established position and pay range for "Training and Development Administrator". The amount \$47,524 equates to a \$4.57 per hour pay differential which this legislation claims as entitlement to Ms. Guzman. This office cannot support this claim as it has no basis within the government's classification and pay system. This pay differential would increase Ms. Guzman's hourly rate in September, 1983 from \$12.88 to \$17.45. As Assistant Administrator, Personnel Services, her hourly rate exceeds even the Administrator, Personnel Services' hourly salary which was \$14.53 in September, 1983. Of course, the inequity continues to be compounded. The effect and impact the pay differential has on related positions is ignored. The act also does not take into account the facts that Ms. Guzman received detail pay while serving as Administrator, Personnel Service Division for designated periods after September, 1983; Option 2 and Option 1 pay increases were implemented further adjusting her salary favorably; the pay differential was not determined through any acceptable compensation method which ensures pay equity among established positions.

On June 9, 1988, the Civil Service Commission approved the creation of Training and Development Administrator position. On October 1, 1988, Ms. Guzman was detailed as Training and Development Administrator and continued to serve and be compensated in this capacity up until her retirement on May 19, 1989. In addressing Ms. Guzman's case, the Commission recommended that legislative approval be requested to fund the detail appointment of Ms. Guzman from September 22, 1988 to September 30, 1988. This would permit detail compensation for a total of 240 days, the maximum allowed by law. There was no recommendation for compensation from September, 1983 to September, 1988.

Evidently, Ms. Guzman was not satisfied with the Civil Service Commission's recommendation and sought further compensation from the Legislature.

We intend to withhold payment to Ms. Guzman until this matter is properly litigated.

Your immediate attention to this request would be appreciated. I am available to discuss this matter at your convenience.

  
WILFRED G. AFLAGUE

220074

cc: Director's Chrono  
DOPM Chrono  
Governor of Guam  
Speaker, 22th Guam Legislature  
Executive Director, CSC  
A.G. Opinion Folder

JCCRUZ:dqc  
2/16/93

WP51/OPINION/67AG.JCC